Immigration and Refugee Board of Canada

Part III – Report on Plans and Priorities

2008-2009
Estimates

Diane Finley
Minister of Citizenship and Immigration

Table of Contents

SECTION 1: OVERVIEW 1

Message from the Chairperson 3
Management Representation Statement 6
Raison d'être 7
Organizational Information 11
Program Activity Architecture Crosswalk 12
Voted and Statutory Items 15
Planned Spending and Full-Time Equivalents 16
Summary Information 17
IRB Plans and Priorities 18

SECTION 2: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME 25

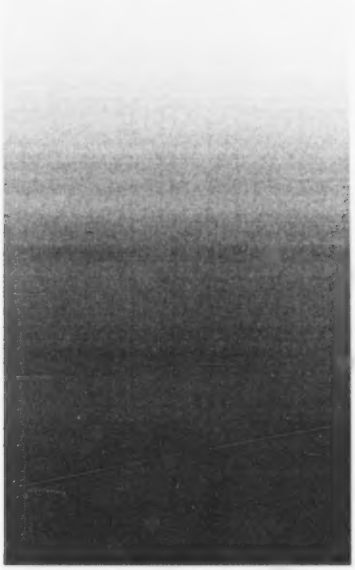
Common Elements 27
Distinct Program Activity Elements 30
Refugee Protection Program Activity 31
Admissibility Hearings and Detention Reviews Program Activity 36
Immigration Appeal Program Activity 42

SECTION 3: SUPPLEMENTARY INFORMATION 49

Departmental Link to the Government of Canada Outcomes 51
List of Electronic Tables 52

SECTION 4: OTHER ITEMS OF INTEREST 53

Internal Services 55
Integrated Accountability Framework 57
Information and Contacts 58



SECTION 1

Overview

MESSAGE FROM THE CHAIRPERSON

"Our success as an organization depends on the fairness and efficiency of our processes and the integrity, professionalism and commitment of our people. In the year ahead, we will seek to rebuild our capacity, to secure a full decision-maker complement and to continue with our transformation agenda so that we may achieve even better results for Canadians."

Brian Goodman
Chairperson

I am pleased to present the *2008-2009 Report on Plans and Priorities* for the Immigration and Refugee Board of Canada (IRB).

The IRB is an independent administrative tribunal with unique and important responsibilities within Canada's immigration, refugee determination and administrative justice systems. The IRB deals with cases ranging from admissibility hearings and immigration appeals to refugee status determination and detention reviews. Through its work on behalf of Canadians, the IRB contributes directly to Canada's humanitarian traditions and the security of Canada.

The impact of IRB decisions on the lives of those who appear before its three divisions, as well as Canadians more generally, is profound. The sense of responsibility and service inherent in this work is shared by all IRB personnel. Canadians depend on the IRB to continue to carry out its mandate with the highest regard for integrity, fairness and efficiency.

Our operating environment

The IRB carries out its work in a complex environment, where shifting global migration patterns and refugee movements, among other factors, influence the number and type of cases the IRB receives. Over the coming year, the caseload is expected to grow in all three IRB divisions.

In addition, the considerable shortfall in the decision-maker complement in both the Refugee Protection Division (RPD) and the Immigration Appeal Division (IAD) will result in growing inventories for these divisions, which together will form the highest inventory in the IRB's history. Consequently, the IRB's ability to process cases will be significantly affected. Average processing times for refugee protection claims may reach

16.5 months and 11 months for immigration appeals. This is clearly too long. The key to reducing the pending inventories will be returning as quickly as possible to a full complement of decision-makers in the RPD and the IAD and determining at the earliest opportunity, while maintaining fairness, which refugee claims and immigration appeals are meritorious and which are not.

Continuing to transform the way we work

Over the past several years, the IRB has been actively pursuing a transformation agenda to ensure the consistent delivery of high-quality administrative justice within a changing environment. Although the IRB is already recognized as an innovative, expert tribunal, we are continually seeking new ways to improve the way we deliver our services.

To this end, we are further pursuing a number of initiatives to integrate our three divisions and ensure that all IRB personnel work together effectively. In this context, I would like to highlight the amendment to the IRB strategic outcome, which better reflects the contributions of our adjudicative support personnel in resolving cases brought before the IRB. (See page 13 for more information on the IRB's amended strategic outcome.)

In the year ahead, we will continue to consolidate and extend the gains made in past years, with the objective of achieving further operational efficiencies and streamlining case resolution processes without compromising fairness.

Strategic direction and priorities of the IRB

Our strategic direction for 2008-2009 is to pursue our transformation agenda to create a flexible tribunal where the workforce is integrated, innovative and continues to fulfill the IRB's mandate. In supporting this direction, we will focus on the following three strategic priorities in 2008-2009. Together, these build on our priorities from the previous fiscal year.

- Manage the case inventory through innovative adjudicative and case management strategies.
- Further integrate the work of the IRB to promote effective management.
- Continue to build a flexible organization with clear accountabilities, ethical behaviour, leadership and operational capacity.

In line with these strategic priorities, we will focus on both new and ongoing initiatives in the year ahead. These include:

- Intensive decision-maker recruitment and selection efforts to ensure that the Government is provided with a sufficient pool of qualified candidates for appointment to the RPD and the IAD.

- Implementation of a plan to reform IRB governance, with a view to clarifying management responsibilities and accountabilities and improving the IRB's organizational design.

- Continued implementation of a comprehensive cross-divisional training program for decision-makers and tribunal officers.

- Development and implementation of adjudicative strategies in all three divisions to promote quality decision-making and improve consistency in approach to common issues, such as requests for postponements and adjournments.

- Further implementation of adjudicative support, including early resolution of cases and case readiness procedures across all divisions, to ensure that files are hearing-ready and to facilitate proactive hearings.

Looking ahead

In 2008-2009, we will continue to integrate our operations to become a more flexible organization and identify and implement new measures to improve the way we carry out the important mandate that Parliament has entrusted to the IRB. Key to our efforts will be the continued dedication of IRB personnel, whose professionalism, creativity and adaptability gives me every confidence in our success.

I invite you to read this report and to visit our Web site at www.irb-cisr.gc.ca for more information about the IRB and its plans and priorities for the coming year.

Brian Goodman
Chairperson

MANAGEMENT REPRESENTATION STATEMENT

I submit for tabling in Parliament the *2008-2009 Report on Plans and Priorities* for the Immigration and Refugee Board of Canada.

This document has been prepared based on the reporting principles contained in the Guide to the Preparation of Part III of the 2008-2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports:

- it adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- it is based on the department's strategic outcome and program activities that were approved by the Treasury Board;
- it presents consistent, comprehensive, balanced and reliable information; and
- it provides a basis of accountability for the results achieved with the resources and authorities entrusted to it.

It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

Brian Goodman
Chairperson

RAISON D'ÊTRE

Who we are

The IRB is an independent administrative tribunal that reports to the Parliament of Canada through the Minister of Citizenship and Immigration.

As an organization responsible for applying administrative justice, the IRB adheres to the principles of natural justice and its resolutions and decisions are rendered in accordance with the law, including the *Canadian Charter of Rights and Freedoms*. This mandate is reflected in our mission, vision and values, which help to shape our corporate priorities and identify the qualities we strive to embody. It also guides our day-to-day activities, to ensure that everyone and their work at the IRB is aligned with our mission and our vision for the future.

Table 1.1: The IRB's Mission, Vision and Values

MISSION	
The Immigration and Refugee Board of Canada is an independent tribunal established by the Parliament of Canada. Our mission, on behalf of Canadians, is to resolve immigration and refugee cases efficiently, fairly and in accordance with the law.	
VISION	**VALUES**
We will excel in everything we do and will deal simply, quickly and fairly with everyone. Through innovation and flexibility, we will be a leading-edge administrative tribunal and a creative partner in building the future of the Canadian immigration system.	▪ Excellence in delivery ▪ Valuing people ▪ Open, honest, timely communication ▪ Relevant, responsive and accountable management ▪ Working together effectively

The IRB is fully committed to applying fairness to all aspects of its work, which in turn means being just, lawful, honest, open and without bias. This includes recognizing that some individuals who appear before the IRB have experienced very difficult circumstances, and respecting the cultural diversity of individuals who appear before the IRB. It also means recognizing that not only does the determination of each case profoundly affect people's lives, it also means recognizing that the determination of cases has a direct impact on the security of Canadians.

What we do

As Canada's largest federal tribunal, the IRB employs approximately 1,025 people at its headquarters and in its regional offices. The organization consists of a number of divisions and branches (see Figure 1.2). Each of the IRB's three divisions has its own mandate under the *Immigration and Refugee Protection Act* (IRPA).

Table 1.2: The Mandates of the IRB Divisions

Refugee Protection Division (RPD)
▪ Hears refugee protection claims ▪ Hears applications for vacation of refugee protection ▪ Hears applications for cessation of refugee protection
Immigration Division (ID)
▪ Conducts admissibility hearings for foreign nationals or permanent residents who seek entry into Canada, or who are already in Canada and are alleged to be inadmissible ▪ Conducts detention reviews for foreign nationals or permanent residents who are detained for immigration reasons
Immigration Appeal Division (IAD)
▪ Hears appeals of family sponsorship applications refused by Citizenship and Immigration Canada (CIC) ▪ Hears appeals from certain removal orders made against permanent residents, Convention refugees and other protected persons, and holders of permanent resident visas ▪ Hears appeals by permanent residents against whom a CIC officer outside of Canada has decided that they have not fulfilled their residency obligation ▪ Hears appeals by the Minister from ID decisions at admissibility hearings

Through each division, the IRB generally strives to deliver a simpler and faster form of justice than that provided by the courts, but with no less attentiveness to the rigour of the law and its application to the particular facts of each case. The IRB is a human rights tribunal, and the women and men who work at the IRB respect the human dignity of all those who come before it. The decision-makers in the RPD and the IAD are Governor-in-Council (GIC) appointees while the decision-makers in the ID are public service employees.

An Operations Branch provides operational, adjudicative and policy support to the IRB's three divisions. The other parts of the organization provide a range of internal services that include management and oversight, legal services, communications, financial management, human resources (HR) management, information technology, procurement and assets management, information management, evaluation and internal audit services. Together, these provide the IRB with efficient adjudicative support, management processes and administrative services while promoting organizational effectiveness.

Benefits to Canadians

Immigrants and refugees have always made significant contributions to Canada's growth and development. In the delivery of its mandate, the IRB benefits Canadians in three important ways:

- Its hearings on refugee claims ensure that Canada accepts those in need of protection in accordance with international obligations and Canadian law
- Its hearings on admissibility and detention reviews help ensure the security of Canadians
- Its independent mechanism for resolving sponsorship, removal order and permanent residence status appeals helps to reunite families and ensure the security of Canadians

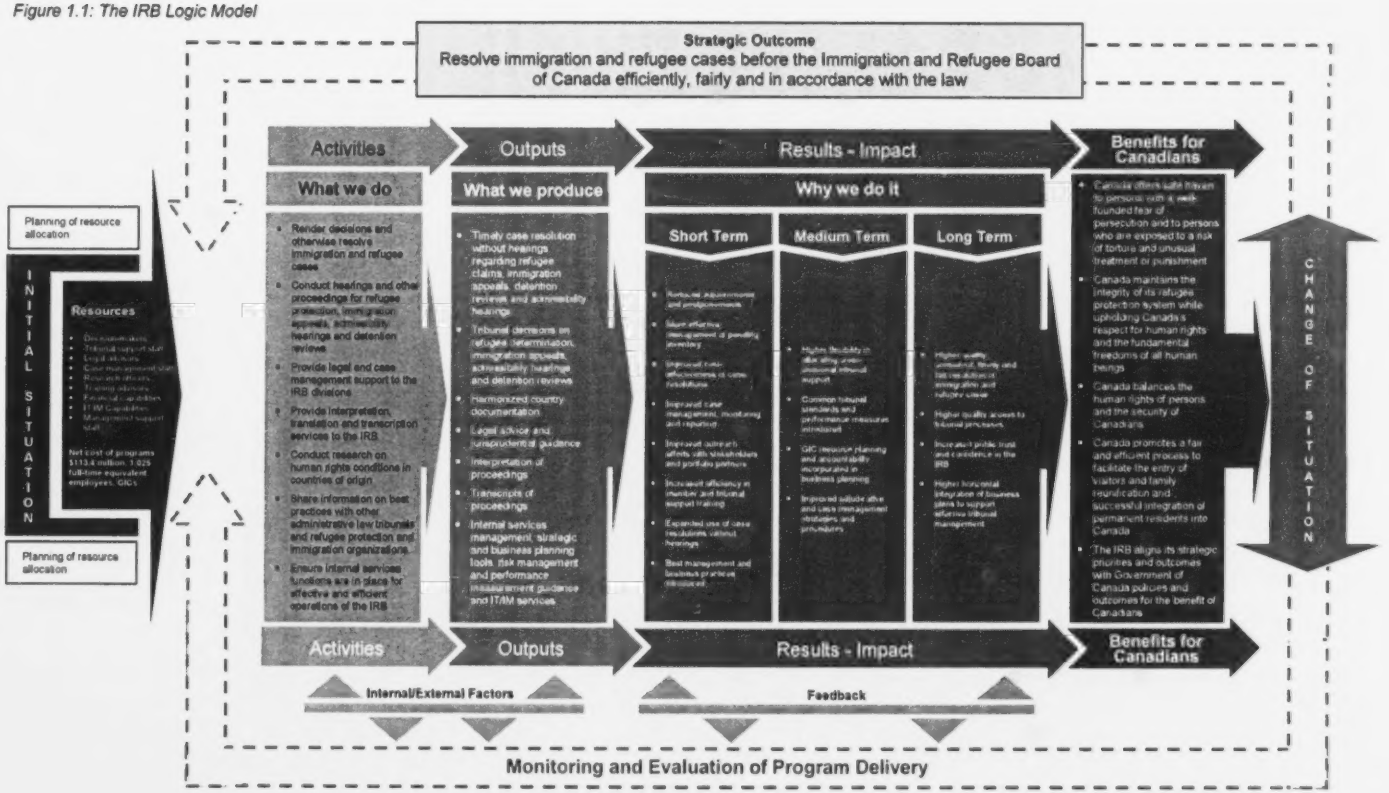
Through the resolutions and decisions it makes, the IRB also contributes more broadly to the quality of life of Canada's communities by strengthening our country's social fabric and by reflecting and reinforcing core values that are important to Canadians. These include respect for:

- Human rights
- Equality
- Fairness
- Peace
- Rule of law

IRB logic model

What we do, what we produce and the impact of these activities are captured in the following diagram. It represents a dynamic process in which information is shared throughout the IRB to ensure that everyone in the organization is focused on the appropriate activities and outputs in order to achieve the expected results and benefits for Canadians.

Figure 1.1: The IRB Logic Model


Strategic Outcome
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law
Activities
Outputs
Results - Impact
Benefits for Canadians
What we do
What we produce
Why we do it
Short Term
Medium Term
Long Term
Planning of resource allocation
INITIAL SITUATION
Resources
Planning of resource allocation
Render decisions and otherwise resolve immigration and refugee cases
Conduct hearings and other proceedings for refugee protection, immigration appeals, admissibility hearings and detention reviews
Provide legal and case management support to the IRB divisions
Provide interpretation, translation and transcription services to the IRB
Conduct research on human rights conditions in countries of origin
Share information on best practices with other administrative law tribunals and refugee protection and immigration organizations
Ensure internal services functions are in place for effective and efficient operations of the IRB
Timely case resolution without hearings regarding refugee claims, immigration appeals, detention reviews and admissibility hearings
Tribunal decisions on refugee determination, immigration appeals, admissibility hearings and detention reviews
Harmonized country documentation
Legal advice and jurisprudential guidance
Interpretation of proceedings
Transcripts of proceedings
Internal services management, strategic and business planning tools, risk management and performance measurement guidance and IT/AM services
Canada offers safe haven to persons with a well-founded fear of persecution and to persons who are exposed to a risk of torture and unusual treatment or punishment
Canada maintains the integrity of its refugee protection system while upholding Canada's respect for human rights and the fundamental freedoms of all human beings
Canada balances the human rights of persons and the security of Canadians
Canada promotes a fair and efficient process to facilitate the entry of visitors and family reunification and successful integration of permanent residents into Canada
The IRB aligns its strategic priorities and outcomes with Government of Canada policies and outcomes for the benefit of Canadians
CHANGE OF SITUATION
Activities
Outputs
Results - Impact
Benefits for Canadians
Internal/External Factors
Feedback
Monitoring and Evaluation of Program Delivery

ORGANIZATIONAL INFORMATION

Chairperson

The Chairperson is the IRB's Chief Executive Officer, senior decision-maker and spokesperson. Providing overall leadership and direction to the IRB's three decision-making divisions, the Chairperson is responsible for creating and promoting a vision of the IRB that unifies all IRB personnel around the common purpose of resolving immigration and refugee cases, as early as possible in the process, while maintaining fairness and quality.

Executive Director

The Executive Director is the IRB's Chief Operating Officer and reports to the Chairperson. The Executive Director is responsible for IRB operations and the administration of the IRB's three decision-making divisions.

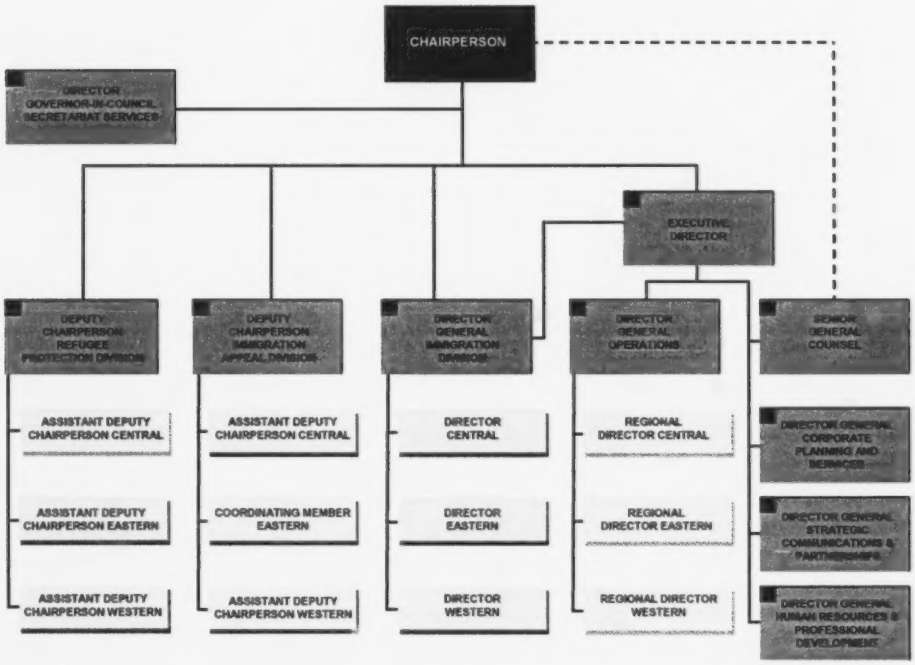
The Executive Director is responsible for the complement of public service employees, including those who provide direct support to the IRB's decision-making activities. This position is currently vacant pending decisions on IRB governance.

Senior Management

Two Deputy Chairpersons (appointed by the Governor in Council) and one Director General (appointed under the *Public Service Employment Act*) oversee decision-making in the three divisions. Four Directors General and a Senior General Counsel (all appointed under the *Public Service Employment Act*) are responsible for the IRB's operations, legal services and corporate management and services functions.

Organizational Chart

Figure 1.2: IRB Organizational Chart



PROGRAM ACTIVITY ARCHITECTURE CROSSWALK

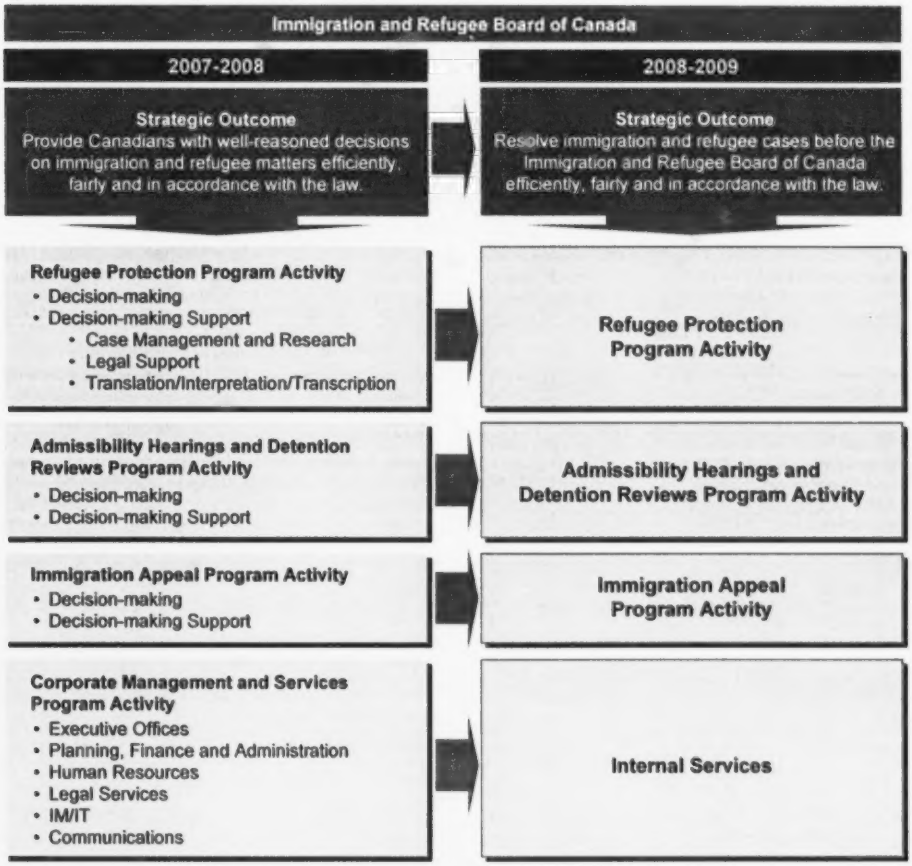
The 2006 Budget called for a renewal of the Government's Expenditure Management System (EMS) with the aim of ensuring that federal programs focus on results, deliver value for money, are consistent with federal priorities and continue to serve the purposes for which they were created. The Treasury Board Secretariat (TBS) has indicated that full implementation of its *Management, Resources and Results Structure* (MRRS) *Policy* is an essential element of a renewed EMS for the Government of Canada.

As part of this implementation process, the IRB received approval from the TBS in 2007-2008 to amend its Program Activity Architecture (PAA). Specifically, the descriptions of the IRB's strategic outcome and program activities were updated whereby the sub-program and sub sub-program activities were rolled up into their respective, higher-level program activities (see Figure 1.3).

The end result is a more streamlined and efficient PAA that fully complies with the MRRS Policy. In 2008-2009, the IRB will finalize its MRRS performance measurement framework and governance structure, which will complete the IRB's implementation of the MRRS Policy.

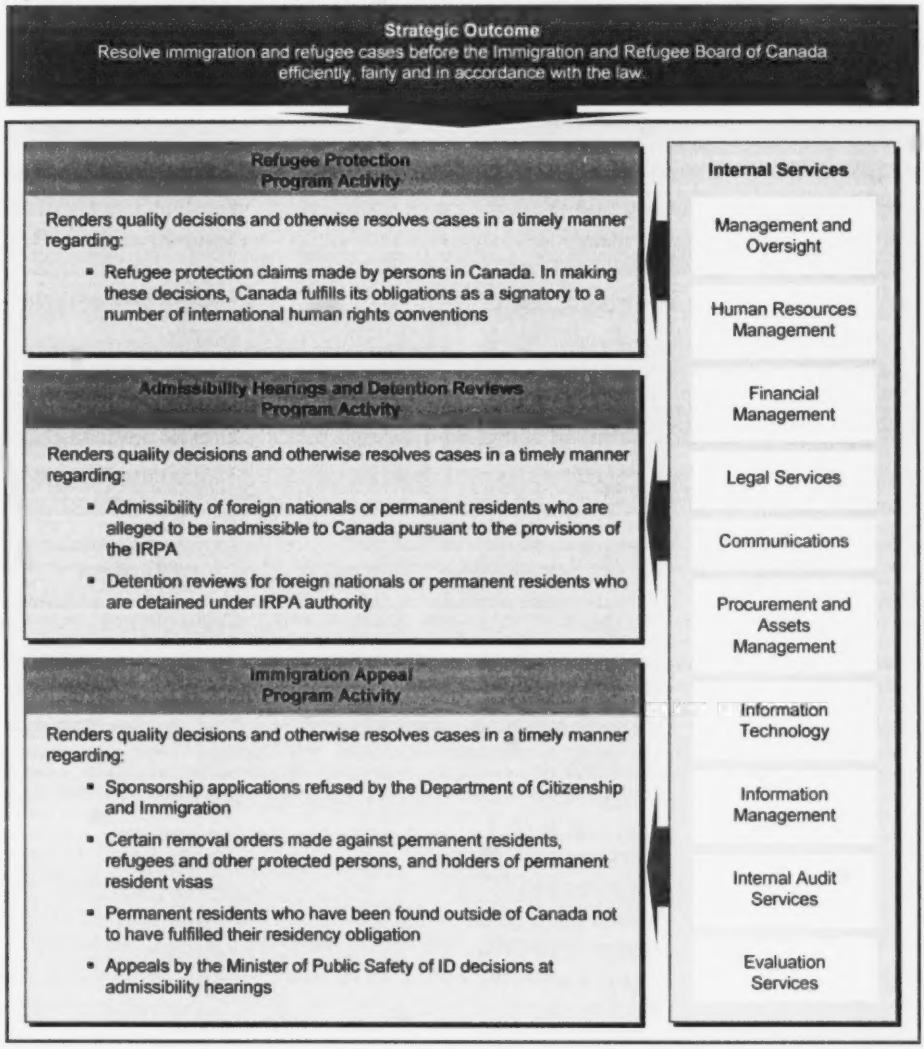
This Report on Plans and Priorities (RPP) is based on the IRB's amended PAA. There is no redistribution of financial resources. The IRB's work continues to be conducted through three program activities and internal services. The three program activities are responsible for all tribunal decisions and resolutions made at the IRB and internal services is responsible for the IRB's corporate management services that support the IRB's program activities (see Figure 1.4).

Figure 1.3: The IRB Program Activity Architecture Crosswalk


Immigration and Refugee Board of Canada
2007-2008
2008-2009
Strategic Outcome
Provide Canadians with well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the law.
Strategic Outcome
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.
Refugee Protection Program Activity
• Decision-making
• Decision-making Support
• Case Management and Research
• Legal Support
• Translation/Interpretation/Transcription
Refugee Protection Program Activity
Admissibility Hearings and Detention Reviews Program Activity
• Decision-making
• Decision-making Support
Admissibility Hearings and Detention Reviews Program Activity
Immigration Appeal Program Activity
• Decision-making
• Decision-making Support
Immigration Appeal Program Activity
Corporate Management and Services Program Activity
• Executive Offices
• Planning, Finance and Administration
• Human Resources
• Legal Services
• IM/IT
• Communications
Internal Services

Descriptions of the IRB's amended program activities and internal services are presented in the figure below.

Figure 1.4: The 2008-2009 IRB Program Activity Architecture Descriptions


Strategic Outcome
Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.
Refugee Protection Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Refugee protection claims made by persons in Canada. In making these decisions, Canada fulfills its obligations as a signatory to a number of international human rights conventions
Admissibility Hearings and Detention Reviews Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Admissibility of foreign nationals or permanent residents who are alleged to be inadmissible to Canada pursuant to the provisions of the IRPA
Detention reviews for foreign nationals or permanent residents who are detained under IRPA authority
Immigration Appeal Program Activity
Renders quality decisions and otherwise resolves cases in a timely manner regarding:
Sponsorship applications refused by the Department of Citizenship and Immigration
Certain removal orders made against permanent residents, refugees and other protected persons, and holders of permanent resident visas
Permanent residents who have been found outside of Canada not to have fulfilled their residency obligation
Appeals by the Minister of Public Safety of ID decisions at admissibility hearings
Internal Services
Management and Oversight
Human Resources Management
Financial Management
Legal Services
Communications
Procurement and Assets Management
Information Technology
Information Management
Internal Audit Services
Evaluation Services

VOTED AND STATUTORY ITEMS

The table below shows how Parliament votes resources to the IRB and largely replicates the summary table displayed in the Main Estimates. Resources are presented to Parliament in this format. Parliament approves the voted funding and the statutory information is provided for information purposes.

Table 1.3: Voted and Statutory Items

2008-2009			($ millions)
Voted or Statutory Items	**Truncated Vote of Statutory Wording**	**2008-2009 Main Estimates**	**2007-2008 Main Estimates**
10	Program expenditures	100.6	100.3
(S)	Contributions to employee benefit plans	12.8	13.4
Total		**113.4**	**113.7**

PLANNED SPENDING AND FULL-TIME EQUIVALENTS

The following table summarizes the Main Estimates and presents the IRB's total planned spending requirements for 2008-2009, 2009-2010 and 2010-2011.

Table 1.4: Planned Spending and Full-time Equivalents (FTEs)

				($ millions)
	Forecast Spending 2007-2008	**Planned Spending 2008-2009**	**Planned Spending 2009-2010**	**Planned Spending 2010-2011**
Refugee Protection	85.5	**80.8**	80.6	80.6
Admissibility Hearings and Detention Reviews	15.2	**15.2**	15.2	15.2
Immigration Appeal	13.0	**17.4**	17.4	17.4
Budgetary Main Estimates (gross)	113.7	**113.4**	113.2	113.2
Less: Respendable revenue				
Total Main Estimates	113.7	**113.4**	113.2	113.2
Adjustments:				
Supplementary Estimates				
Funding for activities that are essential to the continued implementation of the *Public Service Modernization Act*	0.1			
Other				
Operating budget carry forward (Treasury Board Vote 22)	4.6			
Compensation adjustments (Treasury Board Vote 15)	0.7			
Incremental funding for internal audit (Treasury Board Vote 10)	0.1			
Employee Benefit Plan (EBP)	0.2			
Total Adjustments	5.7			
Total Planned Spending	119.4	**113.4**	113.2	113.2
Plus: Cost of services received without charge	19.6	**19.6**	19.6	19.6
Total Spending	139.0	**133.0**	132.8	132.8
Full-time Equivalents	1,025	**1,025**	1,025	1,025

The variance between the 2007-2008 Forecast Spending and Planned Spending in 2008-2009 is a decrease of $6.0 million. This decrease is mainly due to:

- The operating budget carry forward for 2006-2007 of $4.6 million;
- A decrease of $0.7 million from the Cost Efficiency Savings Reduction; and
- A decrease of $0.7 million to adjust the EBP factor from 18.5% to 17.5%.

SUMMARY INFORMATION

Total Financial and Human Resources

The IRB's three-year forecast for its total financial and human resources is presented below.

Table 1.5: Total Financial and Human Resources Requirements for 2008-2009, 2009-2010 and 2010-2011

Financial Resources ($ millions)		
2008-2009	**2009-2010**	**2010-2011**
113.4	113.2	113.2

Human Resources (Full-time Equivalents)		
2008-2009	**2009-2010**	**2010-2011**
1,025	1,025	1,025

IRB Strategic Outcome and Strategic Priorities

This section provides information at the organizational level on the IRB's strategic outcome, strategic priorities and program activities by strategic outcome.

IRB STRATEGIC OUTCOME

Based on its legislated mandate, the IRB's single strategic outcome (as amended for 2008-2009) is as follows:

RESOLVE IMMIGRATION AND REFUGEE CASES BEFORE THE IMMIGRATION AND REFUGEE BOARD OF CANADA EFFICIENTLY, FAIRLY AND IN ACCORDANCE WITH THE LAW.

IRB STRATEGIC PRIORITIES

To achieve its strategic outcome, the IRB has identified three strategic priorities for 2008-2009. These contribute to the achievement of the IRB's strategic outcome by ensuring that the IRB's plans, activities and expected results emphasize quality, consistency and efficiency across the organization, foster an open environment that values its people, and promote flexibility, accountability and continuous improvement.

Table 1.6: IRB Strategic Priorities for 2008-2009

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.	
2008-2009 Strategic Priorities	
1. Manage the case inventory through innovative adjudicative and case management strategies.	Ongoing
2. Further integrate the work of the IRB to promote effective management.	Previously committed to
3. Continue to build a flexible organization with clear accountabilities, ethical behaviour, leadership and operational capacity.	Previously committed to

IRB PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

The following table presents the IRB's strategic outcome, supporting program activities, the overall expected result for each program activity (as per the IRB's amended PAA) and the planned spending for each program activity.

Table 1.7: IRB Program Activities by Strategic Outcome

Program Activities by Strategic Outcome					
		Planned Spending ($ millions)			
	Expected Results	2008-2009	2009-2010	2010-2011	
STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.					The IRB's three strategic priorities support the IRB's strategic outcome.
Refugee Protection Program Activity	*Quality decisions rendered and cases resolved in a timely manner regarding refugee protection claims made in Canada.*	80.8	80.6	80.6	
Admissibility Hearings and Detention Reviews Program Activity	*Quality decisions rendered and cases resolved in a timely manner regarding admissibility hearings and detention reviews.*	15.2	15.2	15.2	
Immigration Appeal Program Activity	*Quality decisions rendered and cases resolved in a timely manner regarding immigration appeals.*	17.4	17.4	17.4	

Note: The total Internal Services planned spending per year is $28.0 million and includes $17.6 million for personnel, $3.1 million for the EBP and $7.3 million for other operating expenditures. The amount of $28.0 million is proportionally reallocated to the IRB's program activities: $19.9 million to Refugee Protection, $3.8 million to Admissibility Hearings and Detention Reviews and $4.3 million to Immigration Appeal. The reallocation is based on respective budget expenditure trends.

IRB PLANS AND PRIORITIES

The IRB develops an Integrated Business Plan (IBP) for each fiscal year. In the IBP, program and management priorities (i.e., the IRB's strategic priorities) are established along with supporting plans and expected results for each program activity.

The IRB's 2008-2009 IBP is aligned with the stated plans and priorities of this RPP and will be monitored for progress and performance through senior management reviews. In 2008-2009, efforts will continue to integrate common procedural, adjudicative and administrative activities across the organization and to identify ways to improve productivity and value for money in the organization, which contribute directly to achieving better results for Canadians.

Program and management plans and priorities for the organization are presented in Sections 2 and 4.

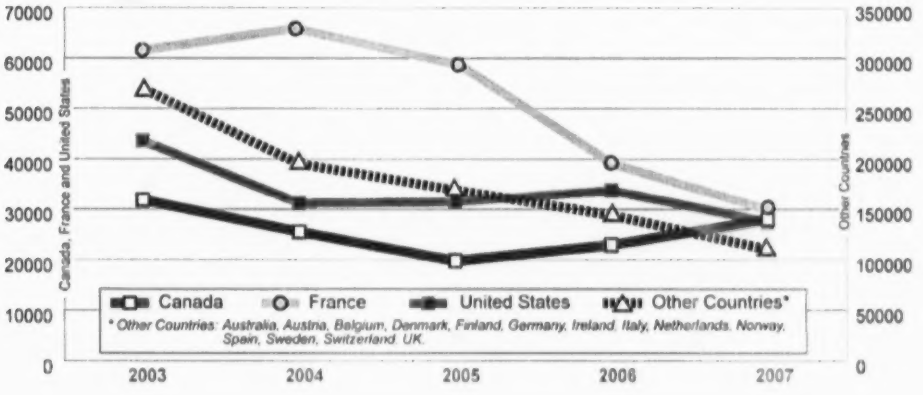
Operating Environment

The IRB carries out its mandate within a complex and ever-changing environment. Both international and domestic factors can influence the IRB's operating environment and context. For example, conflicts and country conditions abroad can result in refugee movements, which in turn affect the number of refugee protection claims made in Canada. The same is true of unanticipated shifts in international migration patterns, which can affect the number of people seeking admission to Canada.

REFUGEE POPULATIONS

The *2006 Global Trends* report, published by the United Nations High Commissioner for Refugees (UNHCR), shows that there were an estimated 9.9 million refugees by the second quarter of 2006. Furthermore, according to recent figures (January to September 2007) from the Intergovernmental Consultations on Asylum, Refugee and Migration Policies, the number of claims for refugee protection made in many industrialized nations has continued to decline.

Figure 1.5: Refugee Claims Filed (2003-2007)



In Canada, however, the increase in refugee protection claims seen in 2006 continued into 2007 with Mexico, Colombia and Haiti representing the top source countries for refugee protection claims. The Americas account for well over half of all claims referred and Mexico continues to comprise an increasing portion of all IRB referrals at nearly 25 percent.

In 2008-2009, Mexico, Haiti, Colombia and China are expected to be the top source countries for refugee protection claims in Canada. This is due to a number of factors, including political polarization and slow or stagnant economic growth in parts of Latin America, shifting American asylum policies and political unrest in Asia.

CHANGING WORKLOADS

In light of the changing workloads due to the increased numbers of refugee protection claims and immigration appeals, the IRB is increasing its emphasis on an integrated approach to the management and processing of all of its cases. Cases are becoming more complex, driven by mixed migration, broader grounds for protection, security concerns and fraudulent documentation.

GROWING TREND OF FAMILY SPONSORSHIPS

Immigration continues to be very important for Canada, as immigrants represent an increasing part of the population. Canada's population of immigrants is expected to reach between 7 and 9.3 million by 2017. In this context and given the Government of Canada's priority of promoting family reunification, family-class sponsorship applications have increased at Canadian visa posts around the world. As a result, the IRB will continue to experience a growing number of family sponsorship appeals.

REFUGEE APPEAL DIVISION

As a result of the tabling of Bill C-280, which calls for the implementation of the Refugee Appeal Division (RAD), the IRB and its portfolio partners CIC and the Canada Border Services Agency (CBSA) are carrying out preliminary work to determine the implementation plan for the RAD in the event that Bill C-280 comes into force. There are many challenges associated with the uncertainty of the legislative result of Bill C-280. This includes the availability of funding to support the RAD, the impact that the RAD will have on the IRB in light of the RPD's increasing inventory and the current shortfall in the decision-maker complement.

SAFE THIRD COUNTRY AGREEMENT

The Safe Third Country Agreement has been in effect between the United States and Canada since 2005. Under that agreement, refugee protection claimants who travel

through the United States or Canada, with some exceptions, are required to make their claims in the country where they first arrived. The IRB is closely monitoring the litigation surrounding this agreement as a change in the agreement or its legal status could have an impact on the numbers of refugee claims referred to the RPD as well as the distribution of those claims across the country.

ACCOUNTABILITY

Public interest in the IRB's work continues, along with a greater demand for accountability and transparency in government. In December 2006, the Government of Canada brought into force the *Federal Accountability Act* (FAA). As noted in the April 2006 Speech from the Throne, this Act changes the existing system of oversight and management by strengthening the rules and institutions that ensure transparency and accountability to Canadians. The IRB continues to respond to this demand by improving performance reporting and implementing modern management practices (e.g., risk management and core management controls). Furthermore, the IRB is strengthening its management accountability in the areas identified for further progress in Round IV of the TBS Management Accountability Framework (MAF) Assessments.

GOVERNMENT-WIDE INITIATIVES

The IRB continues to implement government-wide initiatives aimed at improving public sector management and management practices in order to enhance the organization's overall performance. In 2008-2009, initiatives will include the full implementation of the Government of Canada's MRRS Policy and the development of procurement and assets management policies and directives. The IRB will also continue to modernize its HR management practices and implement further initiatives related to the renewal of the public service and employment equity. These measures support the IRB's efforts to build the requisite management and organizational capacity to sustain a high volume of resolutions and decisions by ensuring that the necessary infrastructure and best management practices are in place.

CODE OF CONDUCT AND PROTOCOL ADDRESSING GIC DECISION-MAKER CONDUCT ISSUES

The IRB will adopt a new Code of Conduct over the next fiscal year, applicable to all quasi-judicial decision-makers at the IRB, to make it more comprehensive and consistent with the FAA. The IRB was the first federal administrative tribunal to institute a formal process for addressing complaints about the conduct of GIC-appointed decision-makers. The *Protocol Addressing Member Conduct Issues* instituted in October 1999 recognizes that high standards of conduct are required of public officials, such as IRB decision-makers. This protocol will undergo a thorough revision in 2008-2009.

GIC DECISION-MAKER RECRUITMENT AND SELECTION PROCESS

Canadians expect high levels of competence and ethical conduct from those who hold public office. A merit-based approach for the selection and appointment of public officials in government is an important way for federal institutions to promote public confidence.

In 2008-2009, the IRB will further implement a strengthened merit-based GIC decision-maker selection process, which bolsters the competency focus of the IRB selection process while increasing transparency and fairness. Under the revised selection process, the new Selection Advisory Board (SAB) reviews the candidates' qualifications, which are measured against a high standard of competence to ensure that skills, abilities and personal suitability are the basis for the appointment. All current GIC decision-makers have been and will continue to be appraised against the competency standards.

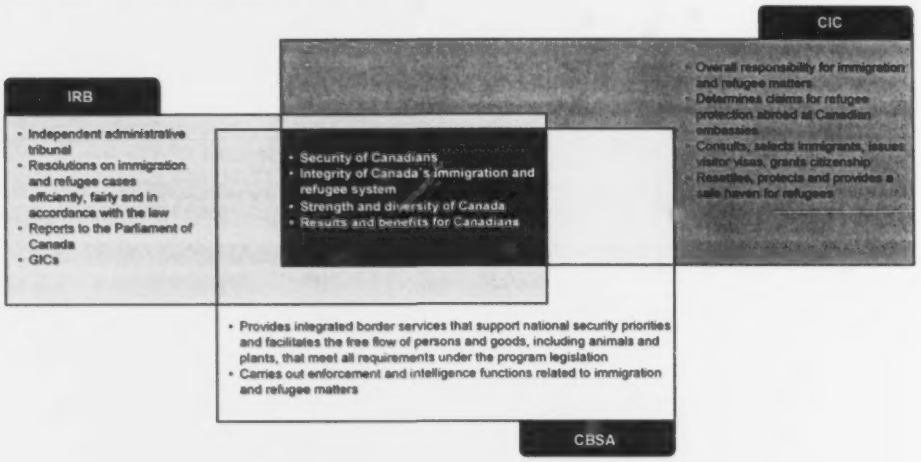
In the next fiscal year, the IRB will continue to conduct regular and focused recruitment campaigns to ensure that the Chairperson is able to provide the Minister with recommendations on a sufficient number of qualified candidates who have successfully completed the rigorous SAB process. Particular efforts will be made to ensure that candidates who can conduct hearings in both official languages are recommended for all regions. These campaigns build on the intensive decision-maker recruitment efforts initiated in mid-2007 and were ongoing at the end of March 2008.

PORTFOLIO MANAGEMENT

As partners within the immigration and refugee portfolio, the IRB, CIC and the CBSA collaborate on operational matters while respecting each other's distinct mandates and the IRB's independence (see Figure 1.6). The portfolio approach has created opportunities for effective communication and coordination. Relationships within the portfolio reflect strengthened efforts in this regard on issues relating to the overall management of the portfolio and take into account evolving case management initiatives designed to meet ongoing challenges.

The IRB, CIC and the CBSA are currently negotiating a trilateral Memorandum of Understanding (MOU) which will more clearly define their institutional relationships and reflect the current operational environment and priorities. The agreement is expected to be signed in 2008-2009. This MOU will build on the IRB and CIC Administrative Framework Agreement, which has been in place since December 1996. It defines the administrative relationship between the two organizations while underlining the institutional independence of the IRB and its decision-makers.

Figure 1.6: The IRB, CIC and CBSA Portfolio


CIC
• Overall responsibility for immigration and refugee matters
• Determines claims for refugee protection abroad at Canadian embassies
• Consults, selects immigrants, issues visitor visas, grants citizenship
• Resettles, protects and provides a safe haven for refugees
IRB
• Independent administrative tribunal
• Resolutions on immigration and refugee cases efficiently, fairly and in accordance with the law
• Reports to the Parliament of Canada
• GICs
• Security of Canadians
• Integrity of Canada's immigration and refugee system
• Strength and diversity of Canada
• Results and benefits for Canadians
• Provides integrated border services that support national security priorities and facilitates the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation
• Carries out enforcement and intelligence functions related to immigration and refugee matters
CBSA

PARTNERS AND AGENCIES

The IRB continues to work closely with central agencies, including the Privy Council Office on GIC appointments of IRB decision-makers and on regulatory initiatives and the TBS on program management and accountability. The IRB also works with Public Works and Government Services Canada on procurement and accommodation issues and with the Public Service Commission, the Canada Public Service Agency and the Canada School of Public Service on HR management issues. In addition, the IRB will play a leading role in the organization of the 2008 conference of the Council of Canadian Administrative Tribunals, of which the Chairperson is co-chair. Conferences such as this provide an opportunity for Canadian administrative tribunals to share best practices and new approaches to emerging issues.

STAKEHOLDERS

The IRB's Consultative Committee on Practices and Procedures (CCPP) encourages systematic and regular contact between the IRB and non-governmental stakeholders at the national level. The Committee is composed of representatives from the Canadian Council for Refugees, the Canadian Bar Association, the Refugee Lawyers Association, *L'Association québécoise des avocats et des avocates en droit de l'immigration*, the Canadian Association of Professional Immigration Consultants and the UNHCR. The CCPP provides a forum for consultation, advice, information sharing and the discussion of issues of mutual concern regarding procedures and practices.

IRB regional offices maintain relationships with their own regional stakeholders, including immigration consultants and bar associations, refugee and refugee law associations, UNHCR regional representatives and non-governmental organizations.

In an effort to further enhance its interaction with stakeholders, the IRB is examining how it coordinates consultations to improve the way in which the regional offices and headquarters share this information. As part of this exercise, the IRB will be proposing some adjustments to the CCPP and will introduce a new consultative framework to improve its consultative activities and better manage its relationships with stakeholders.

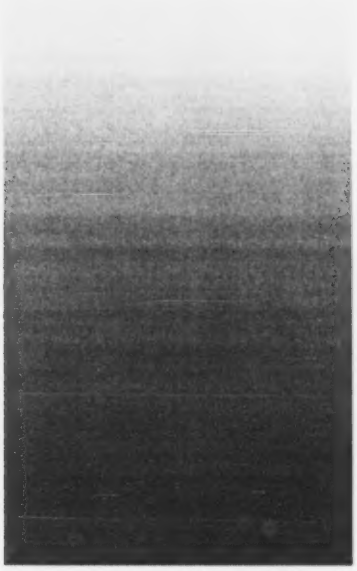
INTERNATIONAL CONTEXT

Refugee protection transcends national borders. The IRB has established an international reputation for expertise in refugee determination. Consistent with our mandate and resources, the IRB maintains an active international presence in three main areas.

- Participation in specialized multilateral fora: the IRB regularly participates in the International Association of Refugee Law Judges, the UNHCR Executive Committee, the Intergovernmental Consultations on Migration, Asylum and Refugees and the European Union Network for Asylum Practitioners.

- Bilateral intergovernmental relations: the IRB exchanges information and practices with a number of other refugee-receiving countries, including Australia, Germany, Japan, the Republic of Korea, the Netherlands, New Zealand, Sweden, the United Kingdom and the United States of America.

- Transfer of expertise/capacity-building partnerships: the IRB is involved in a multi-faceted partnership with the UNHCR whereby IRB personnel provide training and guidance on refugee status determination to UNHCR field staff. Discussions are also taking place on the possibility of expanding this partnership to capacity-building initiatives involving nascent national refugee authorities.



SECTION 2

Analysis of Program Activities by Strategic Outcome

This section provides detailed information on the plans and expected results and financial and human resources for the IRB's three program activities.

COMMON ELEMENTS

As noted in Section 1, the IRB prepares an IBP. The RPP and the Departmental Performance Report (DPR) are based on the plans and expected results presented in this annual plan.

A key part of the IRB's RPP, DPR and IBP is the identification of the plans and expected results of initiatives that are of common interest to the three program activities. The three program activities will work together to achieve these plans and expected results, which directly support the achievement of the IRB's 2008-2009 strategic priorities and strategic outcome.

Table 2.1: Common Elements in the IRB's Plans and Expected Results

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.	
STRATEGIC PRIORITY 1 **Manage the case inventory through innovative adjudicative and case management strategies.**	
Plans	**Expected Results**
Integrated Case Management System (ICMS)	
Continued Implementation of ICMS	
ICMS Transition from the System for Tracking and Refugees (STAR)	
ICMS Maintenance: Identify and implement system enhancements through consultation and decision-making with the client (regions)	▪ Proactive, logical and managed system evolution responds to business, operational and strategic needs ▪ New referrals are re-introduced in ICMS ▪ Reliance on STAR is decreased ▪ Operational procedures are updated ▪ The ICMS application is improved through maintenance releases
ICMS Caseload: Provide support to the regional operations to ensure processing of the RPD caseload in ICMS	▪ System changes are identified and implemented to support RPD case management priorities ▪ Claims are finalized in ICMS ▪ Skills and competencies related to ICMS are increased
ICMS Reporting: Review the reporting mechanisms to support senior management decision-making and operational case management	▪ Reporting capacity is enhanced to support decision-making, forecasting, analysis and operational performance management

STRATEGIC PRIORITY 1 Manage the case inventory through innovative adjudicative and case management strategies.	
Plans	**Expected Results**
ICMS	
ICMS Training	
Deliver system training/re-training to public service employees and decision-makers across the country via the ICMS training network, coaching/mentoring, e-learning modules, new decision-maker training, mock hearing room and/or classroom training	▪ Network of subject-matter experts is expanded and strengthened in headquarters and in the regions ▪ Collaboration and decision-making support for ICMS maintenance is enhanced ▪ Organizational capacity, skills, knowledge and acceptance of the use of ICMS are increased
ICMS Modules	
Initiate consultations to map the business process and develop business requirements for the ID	▪ A clear statement of business needs and processes is developed to support ID operations ▪ A national consensus and sign-off on requirements to proceed with design components is obtained ▪ A project team is created
Develop the National Reasons Database	▪ The National Reasons Database is planned and implementation is under way for quality and consistent decision-making in all divisions ▪ Support is provided for adjudicative strategies ▪ A standard reasons format is in place for the three divisions
Develop a framework for the use of videoconferencing and new technology across the divisions	▪ A comprehensive and integrated approach to the use of videoconferencing is in place for the three divisions ▪ Procedures are developed for cases to be heard by other IRB offices ▪ National tools are developed to support videoconferencing (e.g., instructions and case tracking)

Hearing readiness: take pre-hearing action to ensure that files are hearing-ready and to facilitate a proactive hearing	▪ Case readiness procedures are implemented across the three divisions (volume driven):
	  ▪ RPD: Improved pre-hearing action to ensure files are hearing-ready
	  ▪ ID: Improved pre-hearing action to ensure files are hearing-ready; adjournments and postponements caused by a lack of hearing readiness are reduced
	  ▪ IAD: Improved pre-hearing actions to ensure files are hearing-ready; adjournments and postponements caused by a lack of hearing readiness are reduced; tribunal officers conduct show cause conferences and pre-hearing conferences

STRATEGIC PRIORITY 1 Manage the case inventory through innovative adjudicative and case management strategies.	
Plans	**Expected Results**
Evaluate the revised ID-IAD streamlining process and consider expansion to other regions	▪ A successfully revised process with effective participation by counsel and the CBSA ▪ The evaluation of the revised process is completed and the recommendations for improvement and possible expansion to other regions are considered and/or implemented ▪ Processing times are reduced to less than 60 working days ▪ Monitoring reports are created and applied to monitor progress and measure results
ID-IAD implementation of new legislation with respect to s. 86 in accordance with the law	▪ Revised policy and procedures are implemented and compliant with the new legislation ▪ Decision-makers and adjudicative support staff are trained
Deliver focused training on priority topics in order to: ▪ Meet the needs of decision-makers and tribunal officers and promote quality, consistency and efficiency ▪ Ensure RPD and IAD decision-makers are cross-divisionally trained ▪ Ensure tribunal officers are trained to provide support to all divisions ▪ Provide joint training where appropriate	▪ Training is delivered on IAD adjudicative strategies, including conducting proactive hearings and conducting hearings in the absence of the Minister's counsel ▪ Tribunal officers are provided with advanced Alternative Dispute Resolution (ADR) and Early Informal Resolution (EIR) training ▪ A framework is established for the adjudicative support community at the PM-04-06 level by identifying training needs as required, leadership and management skills and legal and procedural knowledge ▪ Training is delivered on the Code of Conduct for decision-makers ▪ Tribunal officers are trained to provide support to all divisions ▪ Training is delivered on issues identified in the ID adjudicative strategy ▪ Cross-divisional training provided to RPD and IAD decision-makers
Liaise with Canada's administrative justice community and international partners in order to benefit from their experiences and best practices in the area of adjudicative and case management initiatives	▪ The IRB incorporates the experiences of Canada's administrative justice community and international partners into the development of its best practices as appropriate
STRATEGIC PRIORITY 2 **Further integrate the work of the IRB to promote effective management.**	
Plans	**Expected Results**
Evaluate the IAD-RPD Western Region Integration pilot project and consider expansion to other regions	▪ The evaluation of the pilot project is completed and the recommendations for improvement and possible expansion to other regions are considered and/or implemented where warranted by decision-maker resources and divisional needs
Develop a common approach to reducing adjournments/postponements across the divisions	▪ A comprehensive approach to reducing adjournments/ postponements that includes consistent responses to a lack of readiness of the party or counsel or the IRB

STRATEGIC PRIORITY 3 Continue to build a flexible organization with clear accountabilities, ethical behaviour, leadership and operational capacity.	
Plans	**Expected Results**
Implement an action plan further to the recommendations of the Roles and Responsibilities Review	▪ Approved recommendations are implemented or initiated
Implement the revised IRB Code of Conduct for all decision-makers	▪ An IRB Code of Conduct for decision-makers is implemented ▪ Training on the IRB Code of Conduct for decision-makers is completed across the three divisions
Revise the complaint protocol and process for GIC decision-makers	▪ A revised complaint protocol and process for GIC decision-makers is in place
Pursue recruitment efforts of GIC decision-makers for the RPD and the IAD	▪ General and focused recruitment campaigns are conducted ▪ A list of successful candidates meeting the IRB's requirements is established and recommended to the Minister
Put resource planning in place to ensure that the IRB has the necessary complement of decision-makers and the necessary support for new decision-makers throughout their integration	▪ GIC resource planning is incorporated into the IRB's business planning cycles ▪ Necessary support is provided to new decision-makers over at least the first year in the position
Review and update accountability profiles for GIC decision-makers and develop guidelines on the application of GIC terms and conditions of employment	▪ The accountability profiles for GIC decision-makers are updated ▪ The performance evaluation process is reviewed ▪ Guidelines on the GIC terms and conditions of employment are established

DISTINCT PROGRAM ACTIVITY ELEMENTS

The IRB's IBP also identifies the plans, expected results and operations that are distinct to each IRB program activity and contribute to achieving the IRB's strategic priorities for 2008-2009 and the IRB's strategic outcome. These are highlighted in the following detailed analyses; the detailed analysis for Internal Services is presented in Section 4.

REFUGEE PROTECTION PROGRAM ACTIVITY

The **Refugee Protection program activity** receives the majority of IRB resources and is focused on rendering quality and timely decisions on inland refugee protection claims. To deliver on this mandate, the Refugee Protection program activity depends on experienced decision-makers and adjudicative support.

Total Planned Financial and Human Resources

Table 2.2: Refugee Protection Program Activity Total Planned Financial and Human Resources

Financial Resources ($ millions)		
2008-2009	**2009-2010**	**2010-2011**
80.8	80.6	80.6

Human Resources (FTEs)		
2008-2009	**2009-2010**	**2010-2011**
780	780	780

2008-2009 Outlook

The deficit of decision-makers in the Refugee Protection program activity continues. Throughout much of 2007-2008, the Refugee Protection program activity experienced an average shortfall of 36 percent in decision-makers. It is likely that a significant shortage will remain in 2008-2009 with 32 decision-makers reaching the end of their terms during the next fiscal year.

The growing deficit of decision-makers has a direct impact on the IRB's ability to render fast and fair decisions. Approximately six months of training and experience is required for a new decision-maker to become fully productive, i.e., to finalize refugee claim decisions.

Despite the number of challenges that the Refugee Protection program activity faces in the next fiscal year, it will continue to enhance its decision-making process. The Refugee Protection program activity remains committed to maintaining the high standard of decision-making that has earned its refugee determination process international recognition as one of the best in the world.

Key Plans and Expected Results

The Refugee Protection program activity will benefit from the expected results of the common elements identified in Table 2.1 to achieve its forecasts for 2008-2009. In addition to its contribution to the realization of the common elements, the Refugee Protection program activity will also undertake the plans and expected results outlined in the following table.

Table 2.4: Refugee Protection Program Activity Plans and Expected Results

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.	
STRATEGIC PRIORITY 1 **Manage the case inventory through innovative adjudicative and case management strategies.**	
Plans	**Expected Results**
Implement a case management strategy to minimize the growing backlog of pending claims	▪ Increased use of fast track and expedited processes ▪ Increased use of Guideline 6 (postponements and adjournments)
Develop and implement an adjudicative strategy to ensure quality and efficiency of decision-making	▪ New quality tools are implemented (e.g., decision trees, flow charts and check lists)
Evaluate the RPD Language Analysis Pilot Project and present results to the Policy Advisory Committee	▪ A full and comprehensive analysis is conducted on the advantages and disadvantages of using language analysis as a long-term tool in refugee determination
Develop the next steps for the Early Information Gathering (EIG) initiative	▪ EIG processes are implemented in the Eastern Region; initial steps are taken to implement EIG processes in the Central and Western Regions
Improve the National Documentation Packages (NDPs)	▪ Presentation of NDPs is timely and consistent with country-specific changes

Outputs

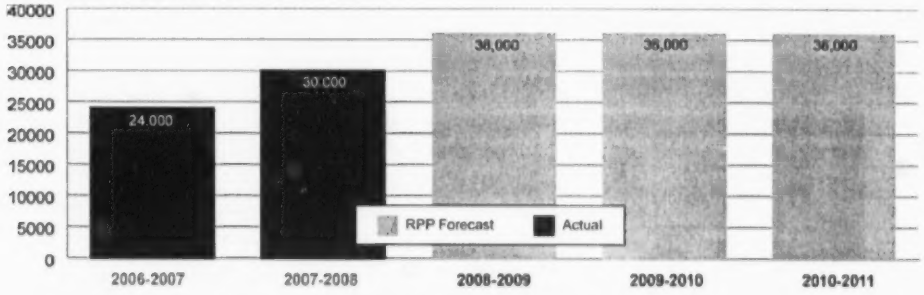
The 2008-2009 outputs for the Refugee Protection program activity are as follows:

- Claims referred
- Claims finalized
- Claims pending
- Average processing time
- Average cost per claim finalized

CLAIMS REFERRED

Based on current trends, the Refugee Protection program activity expects that it will receive approximately 36,000 new claims in 2008-2009, 20 percent more than in 2007-2008.

Figure 2.1: Refugee Protection Claims Referred

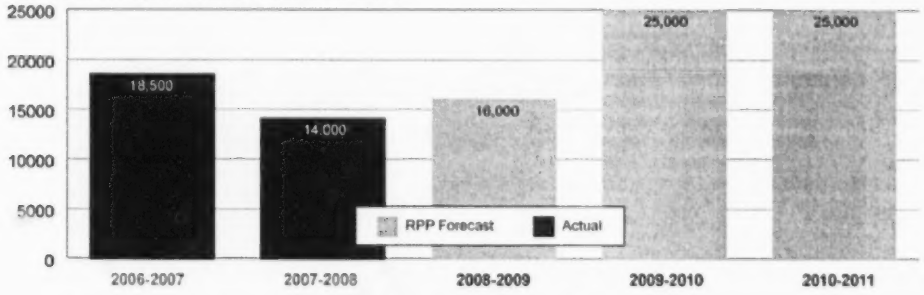


Note: The numbers have been rounded off to the nearest hundred.

CLAIMS FINALIZED

Despite the significant shortage of decision-makers, the Refugee Protection program activity expects to finalize approximately 16,000 claims in 2008-2009, 14 percent more than in 2007-2008. This is due in part to continued enhancements in the decision-making process.

Figure 2.2: Refugee Protection Claims Finalized

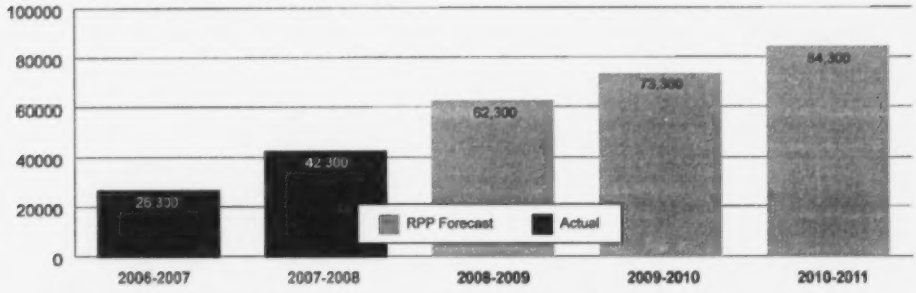


Note: The numbers have been rounded off to the nearest hundred.

CLAIMS PENDING

The significant decrease in decision-makers and unexpected influx of claims in 2007-2008 resulted in a pending inventory of approximately 42,300 claims; an amount that will increase in the next fiscal year without the required complement of decision-makers. As a result, it is projected that the pending inventory could exceed 60,000 claims by the end of 2008-2009. Even with new appointments, this number will increase due in part to the time required to train new decision-makers.

Figure 2.3: Refugee Protection Claims Pending



Note: The numbers have been rounded off to the nearest hundred.

AVERAGE PROCESSING TIME

Based on the expectation that the Refugee Protection program activity will have a pending inventory of 62,300 claims in 2008-2009, the time required to finalize a claim will increase, and it may take on average 16.5 months to process a claim (from referral to finalization) in 2008-2009.

AVERAGE COST PER CLAIM FINALIZED

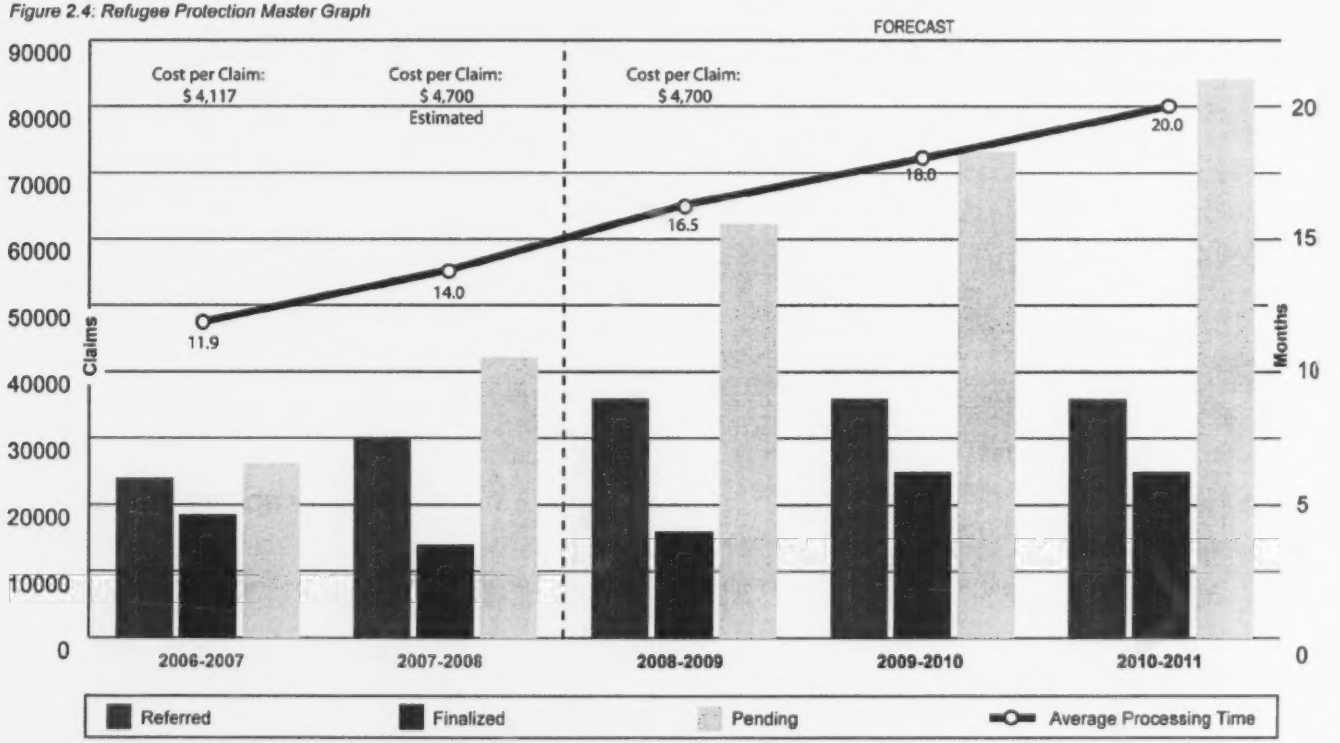
Based on 16,000 claim finalizations, the forecasted average cost per claim is expected to be $4,700 for 2008-2009. The forecasted average cost per claim is higher than the 2006-2007 actual average cost of $4,117. The increase for 2008-2009 is attributable to several factors, including a higher share of fixed costs per unit caused by a decrease in the projected volume of claim finalizations and increased salary costs.

The cost per claim includes the decision-making costs and costs of related activities such as case preparation, research, scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services and administrative support. It also includes a share of the costs from Internal Services, which is allocated to the three program activities, based on expenditure trends.

Refugee Protection - Master Graph

The following graph provides detailed information and a comparison of the main activities during the past two fiscal years.

Figure 2.4: Refugee Protection Master Graph



ADMISSIBILITY HEARINGS AND DETENTION REVIEWS PROGRAM ACTIVITY

The **Admissibility Hearings and Detention Reviews program activity** holds hearings for foreign nationals or permanent residents who are alleged to be inadmissible to Canada pursuant to the provisions of the IRPA. Detention reviews are held concerning permanent residents and foreign nationals who are detained under the IRPA authority. Detainees must be seen by the Immigration Division within 48 hours and subsequent reviews must be conducted within specific timeframes as set out in the IRPA. Decision-makers must balance the rights of individuals to liberty with the security interests of Canadians and persons in Canada.

Total Planned Financial and Human Resources

Table 2.5: Admissibility Hearings and Detention Reviews Program Activity Planned Financial and Human Resources

Financial Resources ($ millions)		
2008-2009	**2009-2010**	**2010-2011**
15.2	15.2	15.2

Human Resources (FTEs)		
2008-2009	**2009-2010**	**2010-2011**
105	105	105

2008-2009 Outlook

The number of admissibility hearings and detention reviews conducted by the IRB directly depends on the number of cases referred to it by the CBSA and CIC. In 2008-2009, the Admissibility Hearings and Detention Reviews program activity will continue to experience a moderate increase in referrals for admissibility hearings, while the number of detention reviews is expected to remain stable.

Key Plans and Expected Results

The Admissibility Hearings and Detention Reviews program activity will benefit significantly from the expected results of the common elements identified in Table 2.1 to achieve its forecasts for 2008-2009. In addition to its contribution to the realization of the common elements, the Admissibility Hearings and Detention Reviews program activity will undertake the plans and expected results outlined in the following table.

Table 2.7: Admissibility Hearings and Detention Reviews Program Activity Plans and Expected Results

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.	
STRATEGIC PRIORITY 1 **Manage the case inventory through innovative adjudicative and case management strategies.**	
Plans	**Expected Results**
Continue to implement a strategic approach to quality decision-making by: ▪ Applying the adjudicative strategy to maintain quality and improve consistency in areas such as adjournments/postponements of detention reviews and issues surrounding the confidentiality of the proceedings ▪ Promoting consistency and providing decision-makers with opportunities to discuss issues of interest	▪ Two issues of interest are identified ▪ Analysis is completed on the two issues of interest and a plan is developed to address the issues ▪ Two persuasive decisions are issued ▪ Five decision-makers' forum discussions are held ▪ National session on consistency is held ▪ First draft of the review of the guideline on detention is completed
Pursue cross-regional consistency efforts within the ID by: ▪ Implementing the national instruction on detention review legislative requirements during statutory holidays ▪ Developing standard file annotations across the ID for private/public hearings ▪ Evaluating the new national Order for Release form ▪ Strategic assignment of decision-makers across the regions	▪ Instruction on detention review requirements during statutory holidays is implemented across the ID ▪ Standard private/public file annotations are implemented across the ID ▪ Evaluation of the Order for Release form is completed ▪ Decision-makers are sent to other regions on short-term assignments, as needed

Outputs

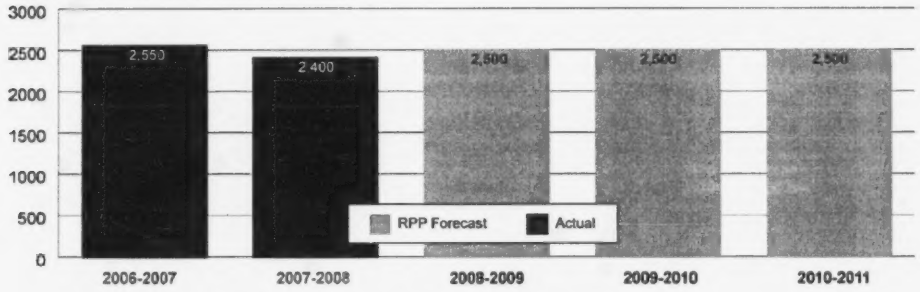
The 2008-2009 outputs for the Admissibility Hearings and Detention Reviews program activity are as follows:

- Admissibility hearings finalized
- Detention reviews finalized
- Average cost per admissibility hearing finalized
- Average cost per detention review finalized

ADMISSIBILITY HEARINGS FINALIZED

The number of referrals for admissibility hearings has increased by 11 percent over the past three years. The Admissibility Hearings and Detention Reviews program activity expects to finalize 2,500 admissibility hearings in 2008-2009 and 2,500 admissibility hearings in each of the two following fiscal years.

Figure 2.5: Admissibility Hearings Finalized

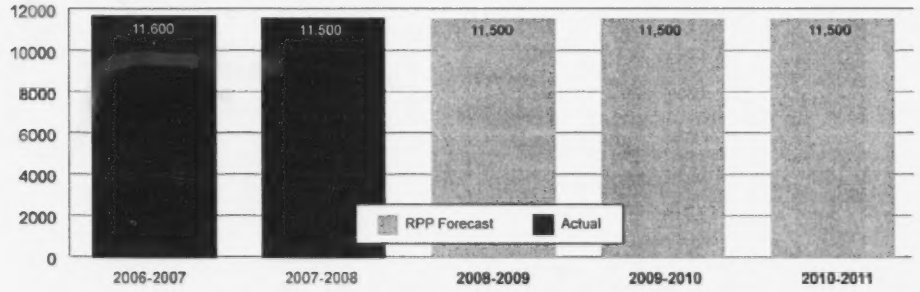


Note: The numbers have been rounded off to the nearest hundred.

DETENTION REVIEWS FINALIZED

The number of detention reviews remains stable. The Admissibility Hearings and Detention Reviews program activity anticipates that it will finalize approximately 11,500 detention reviews in 2008-2009 and in the two following fiscal years. Ongoing challenges include the pressures associated with meeting statutory timeframes, travelling to detention facilities to conduct reviews and increased public scrutiny in balancing the rights to liberty of individuals with the security of Canadians and persons in Canada. Criminality, an important factor in detention reviews, is an element that is present in a high proportion of cases, particularly those that involve long-term detention.

Figure 2.6: Detention Reviews Finalized



Note: The numbers have been rounded off to the nearest hundred.

AVERAGE COST PER ADMISSIBILITY HEARING AND DETENTION REVIEW FINALIZED

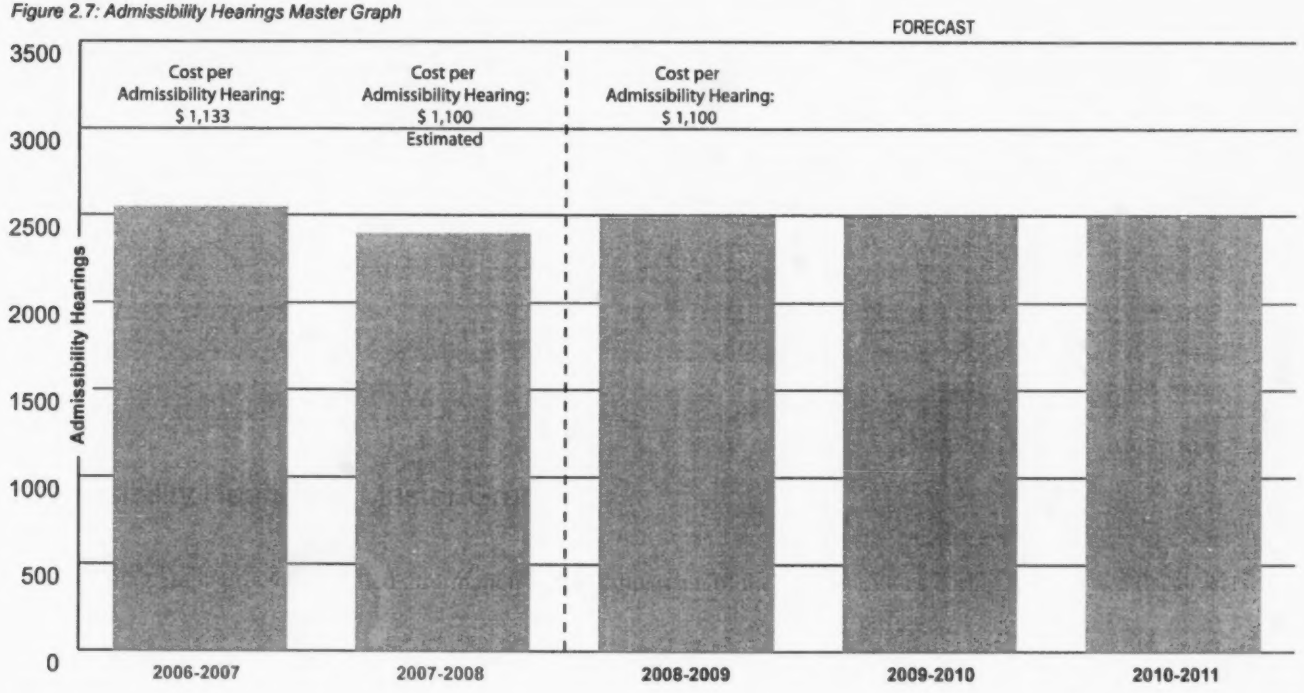
Based on 2,500 admissibility hearings and 11,500 detention reviews, the forecasted average cost is expected to be $1,100 and $800 respectively for 2008-2009. These forecasted average costs are in line with the 2006-2007 actual average costs of $1,133 for admissibility hearings and $751 for detention reviews.

The cost per admissibility hearing and detention review includes decision-making costs and costs of related activities such as case preparation, research, scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services and administrative support. It also includes a share of the costs from Internal Services, which is allocated to the three program activities, based on expenditure trends.

Admissibility Hearings - Master Graph

The following graph provides detailed information and a comparison of the main activities during the past two fiscal years.

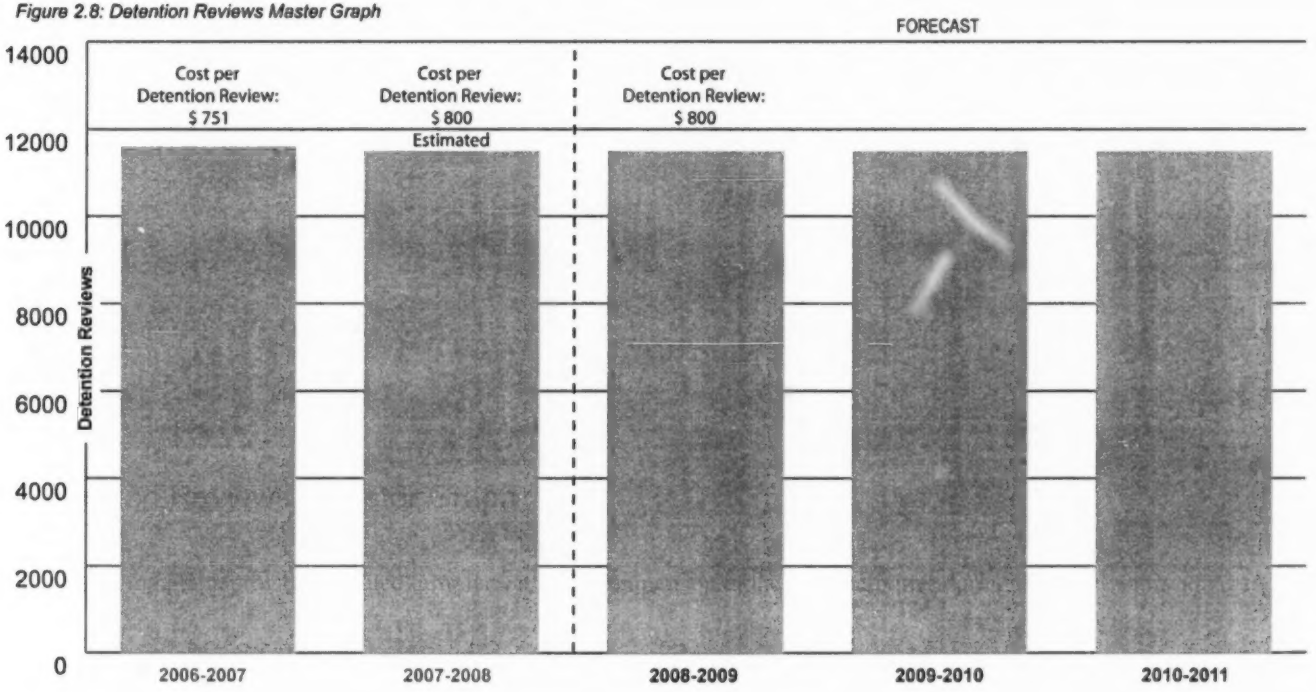
Figure 2.7: Admissibility Hearings Master Graph



Detention Reviews - Master Graph

The following graph provides detailed information and a comparison of the main activities during the past two fiscal years.

Figure 2.8: Detention Reviews Master Graph



IMMIGRATION APPEAL PROGRAM ACTIVITY

The **Immigration Appeal program activity** hears immigration appeals from Canadian citizens and permanent residents whose applications to sponsor close family members to Canada have been refused. Other key functions include hearing appeals from permanent residents, foreign nationals with a permanent resident visa, protected persons who have been ordered removed from Canada and permanent residents outside of Canada who have not fulfilled their residency obligation.

Total Planned Financial and Human Resources

Table 2.8: Immigration Appeal Program Activity Total Planned Financial and Human Resources

Financial Resources ($ millions)		
2008-2009	**2009-2010**	**2010-2011**
17.4	17.4	17.4

Human Resources (FTEs)		
2008-2009	**2009-2010**	**2010-2011**
140	140	140

2008-2009 Outlook

The shortfall in decision-makers in the Immigration Appeal program activity is expected to continue in 2008-2009. In 2007-2008, the Immigration Appeal program activity experienced an average shortfall of 31 percent in decision-makers.

Despite limited decision-maker resources in the past several years, the Immigration Appeal program activity continues to build successful procedural, adjudicative and administrative practices that increase its efficiency and productivity. However, new appointments and reappointments of decision-makers are essential for the Immigration Appeal program activity to be fully productive.

In 2008-2009, the IAD will have nine experienced decision-makers whose terms are expiring. Based on past experience, some reappointments and new appointments are anticipated. However, new decision-makers, who require training and experience, will not be fully productive until halfway into their first year. As a result, even with approximately the same number of decision-makers, the full positive impact of new decision-makers will not be seen until later years.

Key Plans and Expected Results

The Immigration Appeal program activity will benefit from the expected results of the common elements identified in Table 2.1 to achieve its forecasts for 2008-2009. In addition to its contribution to the realization of the common elements, the Immigration Appeal program activity will undertake the plans and expected results outlined in the following table.

Table 2.10: Immigration Appeal Program Activity Plans and Expected Results

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.	
STRATEGIC PRIORITY 1 **Manage the case inventory through innovative adjudicative and case management strategies.**	
Plans	**Expected Results**
Implement an inter-regional case inventory management plan, including continuation of the Central Region IAD backlog reduction plan	• Strategic sharing of decision-makers across the regions • Greater use of videoconferencing for IAD proceedings • Growth of pending inventory is minimized • Age of pending inventory is reduced • Oldest appeals are resolved in the Central Region
Develop and implement adjudicative strategies to enhance consistency in decision-making. Areas may include: • Proactive hearings • Removal order appeals • Adjournments/postponements • Hearings in the absence of the Minister's counsel	• IAD adjudicative strategies in priority areas are implemented or initiated • A best practices manual on decision-maker proactivity is produced • Earlier, faster and more resolutions of removal order appeals without a hearing and a coordinated approach with the CBSA and appellants' counsel • Successful coordination with the CBSA to implement and expand the stream in which the Minister's counsel appears only through written submissions
Increase the early resolution of appeals without a hearing: evaluate and improve EIR and ADR	• More appeals are resolved through EIR and ADR • Ensure hearing readiness when early resolution processes do not resolve appeals
Assess the effectiveness of initiatives and case streams implemented under IAD Innovation	• The effectiveness of the various case processes and pilot projects started under IAD Innovation is assessed • The processes are coordinated to avoid overlap and to clarify roles and expectations for decision-makers, employees and counsel/parties • Earlier and more accurate screening and streaming of files

Outputs

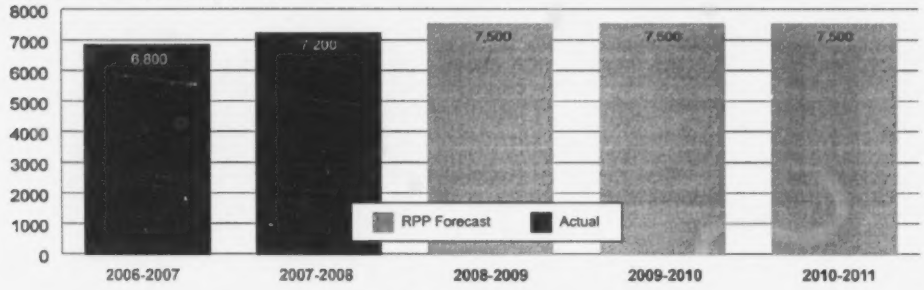
The 2008-2009 outputs for the Immigration Appeal program activity are as follows:

- Appeals filed
- Appeals finalized
- Appeals pending
- Average processing time
- Average cost per appeal finalized

APPEALS FILED

The Immigration Appeal program activity anticipates 7,500 appeals will be filed in 2008-2009, which is a continuation of the moderate increases seen in the past few years. The increased intake is primarily a result of the increase in sponsorship appeals. The overall level of the intake is expected to continue to grow in 2008-2009 and 2009-2010 and remain high in subsequent years.

Figure 2.9: Immigration Appeals Filed

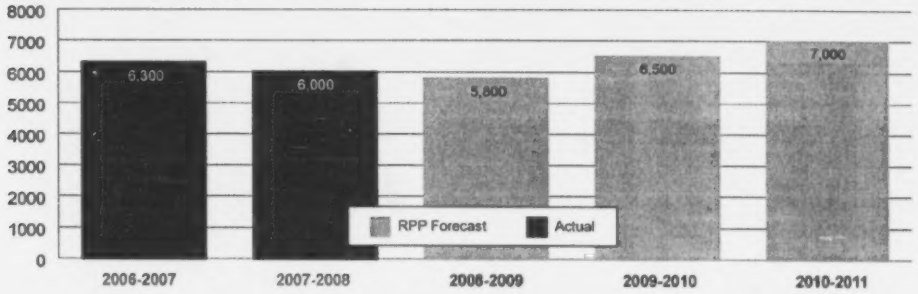


Note: The numbers have been rounded off to the nearest hundred.

APPEALS FINALIZED

The Immigration Appeal program activity expects to finalize approximately 5,800 appeals in 2008-2009; only three percent less than in 2007-2008. Despite the shortage of decision-makers, the Immigration Appeal program activity experienced only a small decrease in productivity due in part to continued enhancements in its innovative case processing. In later years, if the Immigration Appeal program activity can increase its decision-makers to a full complement, it will begin to reduce the large pending inventory and the average case processing times.

Figure 2.10: Immigration Appeals Finalized

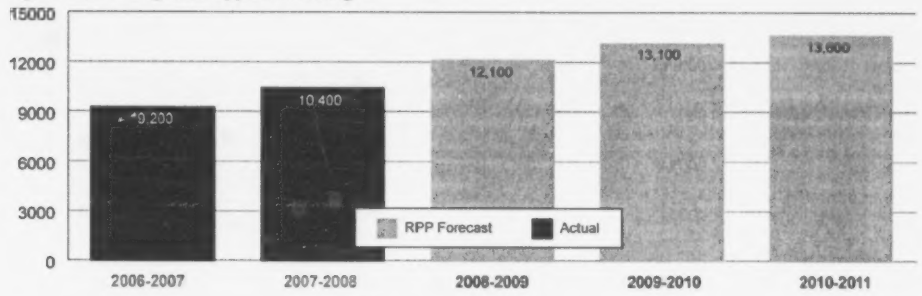


Note: The numbers have been rounded off to the nearest hundred.

APPEALS PENDING

The unexpected increase in appeals filed, together with the significant decrease in decision-makers in 2007-2008, particularly in the Western and Central Regions, resulted in a pending inventory of approximately 10,400 appeals at the end of the fiscal year. Without the required complement of decision-makers, this amount will increase in 2008-2009. As a result, it is projected that the pending inventory could exceed 12,000 appeals by the end of 2008-2009. Even with new appointments, the number may increase due in part to the time required to train new decision-makers.

Figure 2.11: Immigration Appeals Pending



Note: The numbers have been rounded off to the nearest hundred.

AVERAGE PROCESSING TIME

The average processing time is expected to increase to approximately 10.5 months in 2008-2009.

AVERAGE COST PER APPEAL FINALIZED

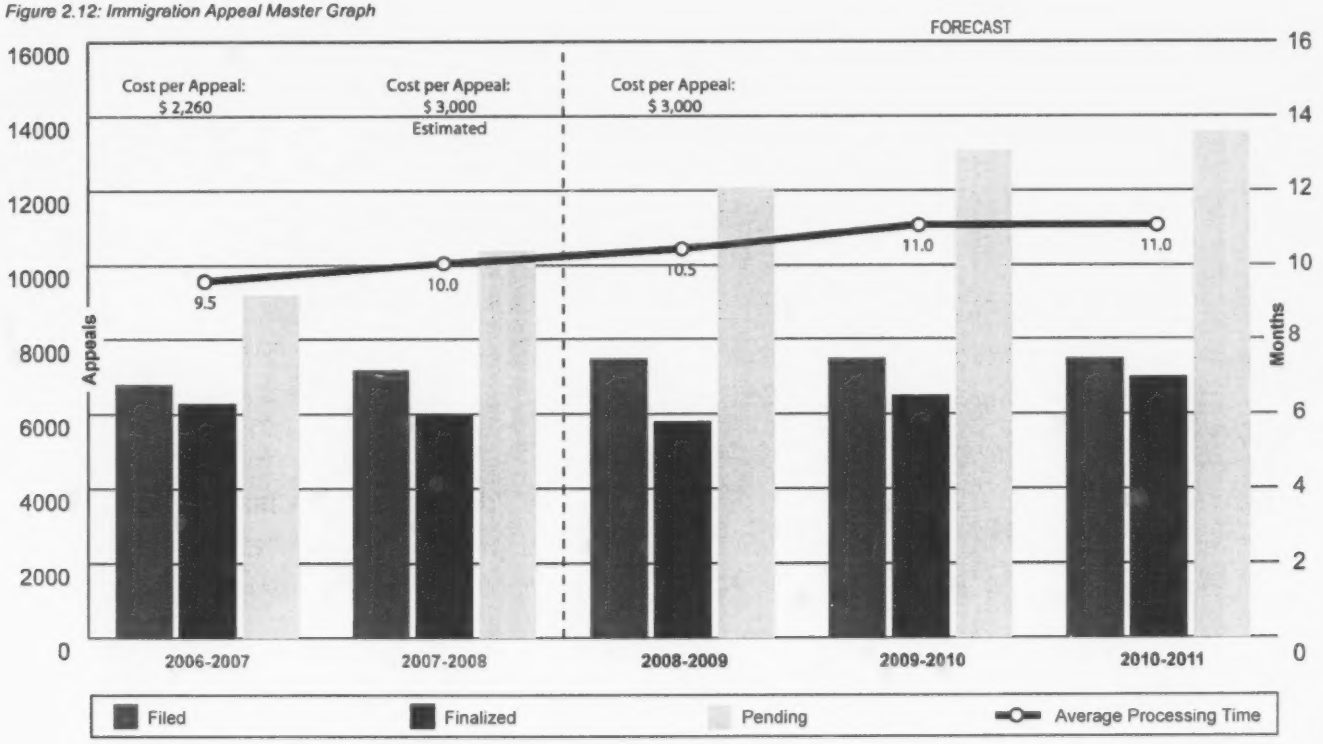
Based on 5,800 appeal finalizations, the forecasted average cost per appeal is expected to be $3,000 for 2008-2009. The forecasted average cost per appeal is higher than the 2006-2007 actual average cost of $2,260 per appeal. The increase for 2008-2009 is attributable to several factors, including a higher share of fixed costs per unit caused by a slight decrease in the projected volume of appeal finalizations, increased adjudicative support and increased salary costs.

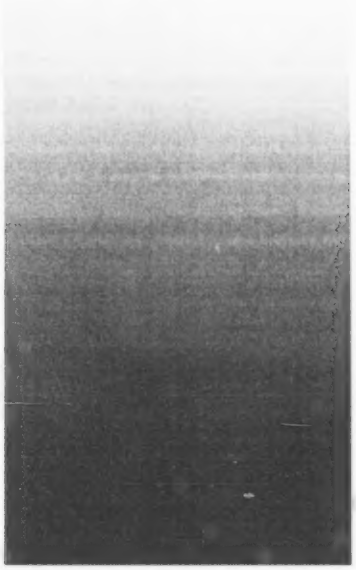
The cost per appeal includes the decision-making costs and costs of related activities such as case preparation, research, scheduling of hearings, legal services, foreign-language interpretation, technological support, translation services and administrative support. It also includes a share of the costs from Internal Services, which is allocated to the three program activities, based on expenditure trends.

Immigration Appeal - Master Graph

The following graph provides detailed information and a comparison of the main activities during the past two fiscal years.

Figure 2.12: Immigration Appeal Master Graph





SECTION 3

Supplementary Information

DEPARTMENTAL LINK TO GOVERNMENT OF CANADA OUTCOMES

The following table shows the IRB's planned spending by program activity and alignment to the Government of Canada outcome areas.

Table 3.1: Departmental Link to the Government of Canada Outcomes

Departmental Link to the Government of Canada Outcomes				
STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.				
Program Activities	**Planned Spending ($ millions)**			**Alignment to Government of Canada Outcome Area**
	2008-2009	**2009-2010**	**2010-2011**	
Refugee Protection	80.8	80.6	80.6	A safe and secure world through international cooperation
Admissibility Hearings and Detention Reviews	15.2	15.2	15.2	Safe and secure communities*
Immigration Appeal*	17.4	17.4	17.4	A vibrant Canadian culture and heritage

* Through its removal orders work, the Immigration Appeal Program Activity also contributes to the Safe and Secure Communities outcome area.

The table below outlines the contribution that each IRB program activity makes to the Government of Canada outcome areas.

Table 3.2: IRB Program Activity Contributions to Government of Canada Outcome Areas

Contributing to the Quality of Life of Canadians
GOVERNMENT OF CANADA OUTCOME AREAS
International Affairs: A Safe and Secure World through International Cooperation
▪ Through the work of the **Refugee Protection Program Activity**, Canada accepts those in need of protection. Canada provides a safe haven to persons with a well-founded fear of persecution, as well as to those who face a danger of torture or risk to their life or risk of cruel and unusual treatment or punishment.
Social Affairs: Safe and Secure Communities
▪ Through the work of the **Admissibility Hearings and Detention Reviews Program Activity**, the IRB recognizes the consequences of the decisions it makes with respect to enhancing public safety and protecting Canadian citizens. It is with this sense of responsibility that the IRB maintains the balance between individual rights and the security of Canadians. * Through its removal orders work, the Immigration Appeal Program Activity also contributes to the Safe and Secure Communities outcome area.
Social Affairs: A Vibrant Canadian Culture and Heritage
▪ Through the sponsorship appeals work of the **Immigration Appeal Program Activity***, the IRB recognizes the contributions of immigrants to the strength and vitality of Canadian society and culture, as well as the Government of Canada's commitment to family reunification. Canada is a country enriched by the many different origins of its population.

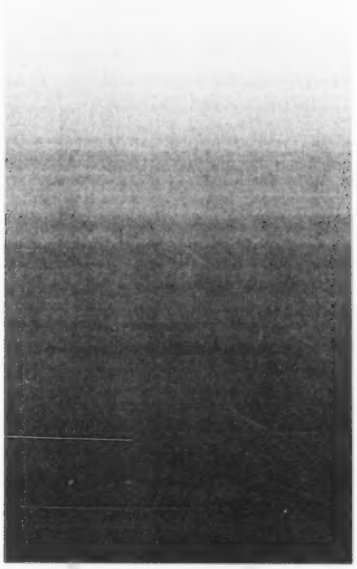
List of Electronic Tables

The following electronic tables can be found on the Secretariat's website at: http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp.

TABLE 3.3: EVALUATIONS

TABLE 3.4: INTERNAL AUDITS

TABLE 3.5: SERVICES RECEIVED WITHOUT CHARGE



SECTION 4

Other Items of Interest

INTERNAL SERVICES

Internal Services provides support to the three IRB program activities through a range of management and oversight services, HR management, financial management, legal services, communications, procurement and assets management, information technology, information management, internal audit services and evaluation services. It also provides the IRB with efficient management processes and administrative services while promoting organizational effectiveness, and implements various government-wide initiatives. In addition, Internal Services ensures that all corporate management services are integrated into the IRB's business.

The annual Internal Services planned spending for 2008-2009, 2009-2010 and 2010-2011 is $28.0 million and includes $17.6 million for personnel, $3.1 million for the EBP and $7.3 million for other operating expenditures. The amount of $28.0 million is proportionally reallocated to the IRB's program activities: $19.9 million to Refugee Protection, $3.8 million to Admissibility Hearings and Detention Reviews and $4.3 million to Immigration Appeal. The reallocation is based on respective budget expenditure trends.

Key Plans and Expected Results

Internal Services continues to implement financial and non-financial management processes (e.g., risk management and core management controls) that are aligned with the IRB's strategic outcome, program activities and ultimately support the Government's commitment to be accountable to Canadians for results.

In particular, the IRB is taking steps to address areas identified for further progress in Round IV of the TBS MAF Assessments. The IRB also continues to work towards a fuller integration of the HR planning process with a focus on succession planning and employment development programs and to respond to the many drivers of public service renewal.

In addition to its contribution to the realization of the common elements identified in Table 2.1, Internal Services will undertake the plans and expected results outlined in the following table.

Table 4.1: Internal Services Plans and Expected Results

STRATEGIC OUTCOME: Resolve immigration and refugee cases before the Immigration and Refugee Board of Canada efficiently, fairly and in accordance with the law.

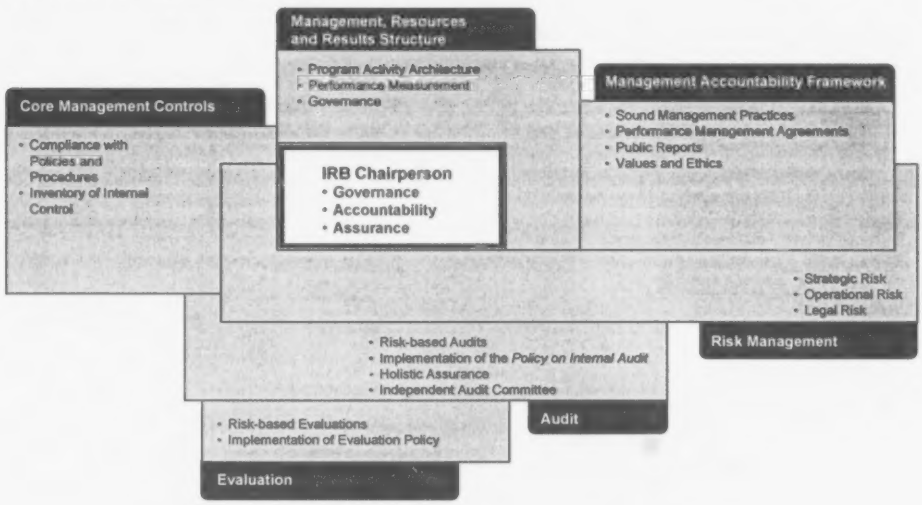
STRATEGIC PRIORITY 2 Further integrate the work of the IRB to promote effective management.	
Plans	**Expected Results**
Develop the MRRS Policy, the PAA and the corresponding performance measurement framework	▪ The IRB's MRRS, PAA and performance measurement framework and common IRB tribunal standards are established and operational ▪ Enhanced framework for identification and use of performance measures is in place
Implement the IRB Core Management Controls Action Plan	▪ Key controls identified by senior management are addressed
Further integrate HR, financial and IT planning into the IRB's business planning cycles	▪ A three-year IT Plan is implemented and integration mechanisms with the business planning cycle are in place ▪ IRB business and management plans incorporate comprehensive and integrated financial and non-financial information
Further implement a comprehensive Procurement and Asset Management Program	▪ A pilot project on a contracting regime for interpreters is evaluated and appropriate follow-up is taken ▪ An Asset Management System is introduced
Implement a corporate consultation framework	▪ A new consultation framework is implemented and fully integrated with the planning cycle both nationally and regionally ▪ A cross-divisional/branch committee effectively identifies and plans consultation activities
Further focus the IRB's international activities into a cohesive program that assists the IRB in achieving its international objectives while balancing the numerous requests for international participation against available resources	▪ International activities are carried out in accordance with the objectives, guidelines and directions set by the Chairperson's Management Board and maximize benefits with respect to international activities
STRATEGIC PRIORITY 3 Continue to build a flexible organization with clear accountabilities, ethical behaviour, leadership and operational capacity.	
Plans	**Expected Results**
Further implement the three-year Employment Equity (EE) Strategy	▪ Phase 1 of the mentoring program is initiated and EE staffing benchmarks are being developed ▪ The development of targeted career progression programs is initiated ▪ EE awareness activities are conducted
Implement the new Official Languages Policy	▪ Training and information sessions are delivered to the HR community and managers at all levels
Implement key Public Service Renewal activities through the consolidation of HR modernization initiatives	▪ The implementation of a talent management strategy is initiated ▪ Integrated HR planning is implemented with a focus on succession planning and employee development programs ▪ Efficient and effective recruitment strategies are developed ▪ A more rigorous performance management program is implemented, ensuring that at least 90% of employees have learning plans

STRATEGIC PRIORITY 3 Continue to build a flexible organization with clear accountabilities, ethical behaviour, leadership and operational capacity.	
Plans	**Expected Results**
Develop a Values and Ethics Framework for IRB employees based on the new TBS Charter	▪ The IRB's Values and Ethics Framework is in place ▪ Employees and managers receive training and materials on values and ethics, disclosure of wrongdoing and political activities

INTEGRATED ACCOUNTABILITY FRAMEWORK

Under the FAA, the IRB Chairperson becomes the IRB's Accounting Officer. In this role, the Chairperson is accountable for responsibilities such as ensuring compliance with policies and procedures for program delivery and systems of internal control, signing the accounts and ensuring that there is adequate internal audit capacity within the IRB. In 2008-2009, the IRB will continue to implement the Integrated Accountability Framework through the IRB's core management controls and the implementation of the *Policy on Internal Audit*.

Figure 4.1: IRB Integrated Accountability Framework



INFORMATION AND CONTACTS

Legislation Administered

Immigration and Refugee Protection Act
(S.C. 2001, c. 27, as amended)

Immigration and Refugee Protection Regulations
(SOR/2002-227, as amended)

Refugee Protection Division Rules
(SOR/2002-228)

Immigration Division Rules
(SOR/2002-229)

Immigration Appeal Division Rules
(SOR/2002-230)

Oath or Solemn Affirmation of Office Rules
(Immigration and Refugee Board of Canada)
(SOR/2002-231)

IRB Processes

Visit these links to find out how the IRB processes its cases:

- **Process for Making a Claim for Refugee Protection**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/rpd/rpdp_e.htm
- **Admissibility Hearing Process**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/id/ahp_e.htm
- **Detention Review Process**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/id/drp_e.htm
- **Sponsorship Appeal Process**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/iad/sap_e.htm
- **Removal Order Appeal Process**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/iad/reoap_e.htm
- **Residency Obligation Appeal Process**
  http://www.irb-cisr.gc.ca/en/references/procedures/processes/iad/resoap_e.htm

Related Information

UNHCR Web site: http://www.unhcr.org/home.html

Contact Us

For more information, visit the IRB Web site at http://www.irb-cisr.gc.ca/ or contact the IRB Communications Directorate at 613-947-0803 or one of the IRB offices listed below.

National Headquarters

Immigration and Refugee Board of Canada
Minto Place, Canada Building
344 Slater Street, 12th Floor
Ottawa, Ontario K1A 0K1
Tel: 613-995-6486 Fax: 613-943-1550

Regional Offices

Eastern Region
200 René Lévesque Boulevard West
Guy Favreau Complex
East Tower, Room 102
Montréal, Quebec H2Z 1X4
Tel: 514-283-7733 Fax: 514-283-0164

Central Region
74 Victoria Street, Suite 400
Toronto, Ontario M5C 3C7
Tel: 416-954-1000 Fax: 416-954-1165

Western Region
Library Square, Suite 1600
300 West Georgia Street
Vancouver, British Columbia V6B 6C9
Tel: 604-666-5946 Fax: 604-666-3043